

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

JOSEPH H. LEMKIN, ESQ.
STARK & STARK
Attorneys at Law
993 Lenox Drive
Lawrenceville, New Jersey 08648
(609) 791-7022 – Telephone
(609) 895-7395 – Facsimile
Attorney for Secured Creditor
XL Funding, LLC d/b/a Axle Funding, LLC
f/k/a Auction Credit Enterprises, LLC

IN RE:

BAV AUTO, L.L.C.
a/k/a COSTA'S AUTO GALLERY

CASE NO. 22-17933-JKS

HON. JOHN K. SHERWOOD, USBJ

HEARING DATE: 4/11/23

CHAPTER 11

**NOTICE OF MOTION FOR ENTRY OF AN ORDER GRANTING RELIEF FROM
AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)**

BAV AUTO L.L.C.
80 Columbia Avenue
Kearny, New Jersey 07032
Debtor

Mark Politan
Politan Law, LLC
88 East Main Street, Suite - # 502
Mendham, New Jersey 07945
Trustee

Automotive Finance Corporation
Donna L. Thompson, ESQ.
P.O. Box 679
Allenwood, NJ 08720
Creditor

Steven D. Pertuz, Esq.
Law Offices of Steven D. Pertuz, LLC
111 Northfield Avenue, Suite 304
West Orange, New Jersey 07052
Counsel for Debtor

Peter J. D'Auria
Office of the U.S. Trustee
One Newark Center, Suite 2100
Newark, New Jersey 07102
U.S. Trustee's Office

Vero Finance Technologies, Inc.
c/o Drew S. McGehrin
Duane Morris LLP
30 S. 17th Street
Philadelphia, PA 19103-4196
Creditor

Westlake Flooring Services, Inc.
Regina Cohen, Esquire
LAVIN, CEDRONE, GRAVER,
BOYD & DiSIPIO
190 North Independence Mall West,
Suite 500
6th and Race Streets
Philadelphia, PA 19106
Creditor

Cloud Fund, LLC
400 Rella Blvd., Ste. 165-101
Suffern, NY 10901-4241
Creditor

Fox Business Funding
1920 E Hallandale Beach Blvd, Ste 503
Hallandale Beach, FL 33009-4723
Creditor

Kinetic Advantage, Inc.
10333 N. Meridian Street
Indianapolis, IN 56290-1150
Creditor

Manheim NY Metro Skyline, Inc.
100 US Hwy 46
Fairfield, NJ 07004-3217
Creditor

Proventure Capital
99 Wall Street No. 576
NY, NY 10005-4301
Creditor

Arsenal Funding Corp
8 West 36th Street 7th Floor
NY, NY 10018-9774
Creditor

Dealer Capital Group, Inc.
67 Crystal Street
Avenel, NJ 07001-1125
Creditor

Jersey Express, LLC
23 Lake Street
North Brunswick, NJ 08902-4828
Creditor

Lever Auto Financing
287 Park Avenue South, Suite 700
NY, NY 10010-5413
Creditor

Nextgear Capital, Inc.
11799 N. College Avenue
Carmel, IN 46032-5605
Creditor

River Captial Partners, LLC
1 River Rd, Suite 200
Cos Cob, CT 06807-2755
Creditor

PLEASE TAKE NOTICE that on April 11, 2023, or as soon thereafter as counsel may be heard, Movant, XL Funding, LLC d/b/a Axle Funding, LLC f/k/a Auction Credit Enterprises, LLC (“XLF”), by and through its counsel STARK & STARK, Attorneys at Law, shall move before the Honorable John K. Sherwood, United States Bankruptcy Judge, at the United States Bankruptcy Court, District of New Jersey (Newark), Martin Luther King, Jr. Federal Building, located at 50 Walnut Street, Newark, New Jersey 07102, for an order granting relief from the automatic stay in this case pursuant to 11 U.S.C. § 362(d).

PLEASE TAKE FURTHER NOTICE that in support of the Motion, XLF shall rely on the accompanying Certification of Edward Tremblay, VP Collections of ACE. A proposed form of the order XLF requests be entered is also being submitted. A Memorandum of Law has not been submitted because the issues raised by the Motion are not extraordinary or unusual necessitating the filing of legal briefs.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing; (ii) specify with particularity the basis of the objection; and (iii) be filed with the Clerk, United Stated Bankruptcy Court, District of New Jersey (Newark), Martin Luther King, Jr. Federal Building, located at 50 Walnut Street, Newark, New Jersey 07102 and simultaneously served on XLF’s counsel, Joseph J. Lemkin, Esq., 993 Lenox Drive, Lawrenceville, New Jersey 08648, so as to be received no later than seven (7) days before the return date set forth herein.

PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and served, the Motion shall be deemed uncontested in accordance with D.N.J. LBR 901-1(a) and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that XLF hereby requests oral argument in

accordance with D.N.J. LBR 9013-1(f) in the event opposition papers are timely filed.

Dated: 3/7/23

Respectfully Submitted,

STARK & STARK
Attorneys at Law
993 Lenox Drive
Lawrenceville, New Jersey 08648
609-791-7022 – Phone
609-895-7395 – Fax

/s/ Joseph H. Lemkin
Joseph H. Lemkin, Esq.
jlemkin@stark-stark.com

*Attorney for XL Funding, LLC d/b/a Axle Funding, LLC
f/k/a Auction Credit Enterprises, LLC*